

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-95

MITCHELL C. BURTON,

Defendant.

ORDER

Defendant Mitchell C. Burton pled guilty to possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). On December 9, 2022, Burton was sentenced to 72 months in prison, to be followed by 3 years of supervised release. He did not file a notice of appeal.

The case is presently before the court on a pro se motion for an extension of time to file a motion to vacate his conviction pursuant to 28 U.S.C. § 2255. The hand-written motion asserts no ground for seeking relief under § 2255, but merely states that Burton would like an extension of time because he has been unable to prepare the motion up until this time.

Burton's motion is denied. A district court does not have authority to extend the deadline for filing a § 2255 Petition, except in those instances which Congress has expressly authorized. *See Reed v. United States*, No. 00-4323, 2001 WL 700811, at *2 (6th Cir. June 15, 2001); *Washington v. United States*, 221 F.3d 1354, 2000 WL 985885 at *1–2 (10th Cir. July 18, 2000); *United States v. Leon*, 203 F.3d 162, 163–64 (2nd Cir. 2000); *United States v. Duffus*, 174 F.3d 333, 337–38 (3d Cir. 1999); *Paschal v. United States*, No. 01-C-4959, 2003 WL 21000361, at *2 (N.D. Ill. May 1, 2003). Based on this authority, Burton's request is denied. The court notes,

however, that Burton still has sufficient time to file a § 2255 motion. The fact that he does not have full access to a law library should not prevent him from being able to assert the grounds necessary to obtain relief, assuming such grounds exist. There is nothing in Burton's letter that suggest such grounds exist, at least at this point. In any event, the motion is denied. Because the motion contains some personal information, the court will direct that the motion be sealed.

SO ORDERED at Green Bay, Wisconsin this 28th day of September, 2023.

s/ William C. Griesbach
William C. Griesbach
United States District Judge